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Letter dated 5 April 2000 from the Chargé d'affaires a i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith*, the following documents: (i) "Memorandum of the Government of the Federal Republic of Yugoslavia on the Implementation of United Nations Security Council resolution 1244 (1999)" and (ii) "Overview of terrorist and other acts of violence and of certain violations of Security Council resolution 1244 (1999) in the Province of Kosovo and Metohija since the arrival of KFOR and UNMIK in the period from 10 June 1999 to 30 March 2000".

I would like to ask you to have them published as official documents of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(Signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a i.

* The annex is reproduced as received in English.

Annex

I

MEMORANDUM
OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA
ON THE IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1244 (1999)

I. COMMUNICATIONS ADDRESSED BY THE GOVERNMENT OF THE FR OF YUGOSLAVIA TO THE UN SECURITY COUNCIL, UN SECRETARY-GENERAL, KFOR, UNMIK AND OTHER INTERNATIONAL ORGANIZATIONS

1. Persistent warnings to the violations of UN SC resolution 1244 (1999)

Even ten months since its adoption, no changes whatsoever have taken place concerning the respect of UN SC resolution 1244 (1999) as well as of Military Technical Agreement by the international forces, KFOR and UNMIK, in the southern Serb province of Kosovo and Metohija. Continuous warnings of the Government of the FR of Yugoslavia to the UN Security Council, UN Secretary-General, KFOR and UNMIK and other relevant international organizations and factors to the flagrant violations of the key provisions of the Resolution, Ahtisaari-Chernomyrdin document and the Military Technical Agreement have not been heeded at all. At the same time, the processes in the Province run contrary to the letter and substance of the Resolution and its related documents, threatening the security of the entire region.

- **Memorandums of the Government of the FR of Yugoslavia:** It is only a month from the latest, third, Memorandum of the Government of the Federal Republic of Yugoslavia (1 March 2000), and in spite of clear examples of direct violations of the key provisions of the Resolution and its related documents by KFOR and UNMIK, as well as of unambiguous demands of the Government of the FR of Yugoslavia that UN Security Council, as a primary responsible body, should finally take energetic and urgent measures in order to stop dramatic worsening of the overall situation in the southern Serbian Province, the United Nations Security Council continues closing its eyes before the facts and tolerates flagrant violations of fundamental principles of the Charter, key provisions of the Resolution and its related documents, as well as all other widely accepted international standards in the field of human and civil rights.

- The Government of the FR of Yugoslavia, in more than its 60 direct communications to the Security Council, continuously pointed to the drastic examples of non-compliance with or gross violations of the mandate of KFOR and UNMIK, particularly related to the violation of the sovereignty and territorial integrity of the FR of Yugoslavia in Kosovo and Metohija. Particularly well substantiated and justified are the warnings to the continuation of terror, ethnic cleansing and genocide of Albanian terrorists and separatists against the Serbs, Montenegrins, Roma, Turks, Goranci and other non-Albanian population in the Province.

- In its direct communications **to the head of UNMIK and KFOR commander** through its Committee for Cooperation with the UN Mission in Pristina, the Yugoslav Government has on a daily basis drawn the attention to, and lodged regular protests in connection with, flagrant violations of

their authority and failure to implement their mandate, clearly established by UN SC resolution 1244 (1999).

2. Passive attitude of UN SC and other bodies of international community

- In view of the continuous and dramatic deterioration of the situation and drastic violations of fundamental human rights, as well as of destruction of historical and cultural monuments, constituting an integral part of the world cultural heritage, the Government of the FR of Yugoslavia has informed timely and in a well-documented way other international organizations engaged in Kosovo and Metohija (**UNHCR, UNHCHR, UNESCO, ICRC, OSCE, EU, Council of Europe**, etc.). In spite of the demands that they should also fulfil their share of responsibility in accordance with SC resolution 1244 (1999) and other relevant international legal instruments within their field of activity, there are still no signs of the real readiness to engage in earnest in order to put an end to the present devastating trends in the Province, seriously undermining the authority of the United Nations and weakening the confidence in the genuine readiness of the world Organization to meet its obligations and offer protection to the Member States in accordance with the Charter of the United Nations.

II. SYSTEMATIC VIOLATIONS OF UN SECURITY COUNCIL RESOLUTION 1244 (1999) AND MILITARY TECHNICAL AGREEMENT

1. Systematic violation of the sovereignty and territorial integrity of the FR of Yugoslavia and the mandate of UN Security Council

a) UN SC resolution 1244 (1999) unambiguously confirms the sovereignty and territorial integrity of the FR of Yugoslavia in Kosovo and Metohija (preambular para 10; subpara 8, Annex 2)

- **Decisions of UNMIK and KFOR**: Regulations of UN Secretary General Special Representative and head of UNMIK B. Kouchner lack basis in the Resolution and are aimed at severing all ties between Kosovo and Metohija and the Republic of Serbia and the FR of Yugoslavia, i.e. totally separating the Province from the constitutional, legal, economic, monetary, financial, banking, customs, visa, administrative and other systems of the FR of Yugoslavia and the Republic of Serbia.

Regulations and decisions of the UN SG Special Representative for Kosovo and Metohija B. Kouchner, systematically and directly undermine the State sovereignty of the FRY in Kosovo and Metohija as a basic principle guaranteed by SC resolution 1244 (1999) and bring into question the legal basis and prerogatives of statehood of the State of Serbia and the FR of Yugoslavia, in the southern Serb Province, as an integral part of the sovereign territory of the Republic of Serbia and of the FR of Yugoslavia.

Special Representative B. Kouchner continues with his illegal acts aimed at creating prerequisites for the independence of the Province from the Republic of Serbia and the FR of Yugoslavia, favouring political and other interests of Albanian separatists and

terrorists, which is unprecedented in history of UN missions. Illegally established the so-called Interim Administration Council, de facto Provincial "Government", composed exclusively of Albanians, mostly from the ranks of the terrorist so-called KLA and separatist Albanian political parties, even before the minimum security and living conditions have been created for non-Albanian population, represents an attempt of legalizing ethnic supremacy of Albanians, with a view to creating an ethnically pure Kosovo and Metohija.

Persistent efforts to include the Serbs into this body, mostly for the functions of irrelevant political importance and influence, represent Kouchner's attempts to legalize the status quo to the detriment of the Serbs and other non-Albanian population.

The developments in the Province unambiguously confirmed that the claims of the Government of the FR of Yugoslavia to the effect that the UNMIK decision on the transformation of the terrorist KLA in an alleged civilian organization - "Kosovo Protection Corps" are justified, and that the decision is not only illegal as it lacks basis whatsoever in SC resolution 1244 (1999) and its related documents, but is also one of the main generators of exacerbating the situation and the crisis in the Province.

The attack of well-armed members of the so-called Kosovo Protection Corps on a patrol of the Republican Ministry of the Interior near Bujanovac, outside the administrative area of Kosovo and Metohija, unambiguously confirms that the so-called Kosovo Protection Corps is not any "civilian" structure - its members are re-cycled terrorists of the so-called KLA, whose combat structure and command personnel have been fully kept, creating a core of a future Albanian army in Kosovo and Metohija, as has been publicly pointed out by its "commander", notorious terrorist A. Cheku.

- **Building of military bases**: The Government of the FR of Yugoslavia most energetically opposes the building of KFOR military bases in a part of its sovereign territory, without its approval. It represents the most flagrant violation of its sovereignty and provisions of UN SC resolution 1244 (1999), as well as the existing laws of the Republic of Serbia and the FR of Yugoslavia. The building of foreign bases without the approval of the receiving State is contrary to the character and spirit of peace missions under the auspices of the United Nations and represents a dangerous precedent, contrary to the fundamental principles and purposes of the United Nations.

- **Military exercises of NATO/KFOR**: The Government of the FR of Yugoslavia resolutely opposes military exercises of NATO and KFOR in the Province, under any pretext, which represents the most flagrant violation of the territorial integrity and sovereignty of the FR of Yugoslavia. Sabre-rattling in the Province, which is obviously not in the function of creating security conditions for all its citizens, is just another form of support to the Albanian terrorists in their attempts to cement mono-ethnic structure of the Province, as a basis for its total separation from the constitutional and legal system of the Republic of Serbia and the FRY. Such provocative conduct on the

part of KFOR represents a factor of serious destabilization of the region and directly threatens peace and stability in Europe.

Although it is obliged to prevent any act of violation of UN SC resolution 1244 (1999) and to eliminate all sources of instability in the region, the Security Council did nothing to protect the sovereignty and territorial integrity of the FR of Yugoslavia, thereby directly violating not only the key provisions of the Resolution but the fundamental provisions of the Charter of the United Nations as well.

- **Representation of some countries**: Despite the warnings and protests of the Government of the FR of Yugoslavia, UNMIK continues to tolerate the establishment of foreign para-diplomatic missions in the Province, without consultations with and approval of the Government of the FR of Yugoslavia, which represents a gross violation of the principle of the sovereignty and territorial integrity of the FR of Yugoslavia. The attempt of Kouchner to even legalize that (his draft regulation on "immunities and privileges of the liaison offices of foreign Governments in Kosovo") is a direct attack on the sovereignty and territorial integrity of the FR of Yugoslavia which grossly violates the principles of the UN Charter, provisions of the Vienna Conventions on diplomatic and consular relations and the Convention on the Privileges and Immunities of the United Nations as well as prevailing international practice.

- The Government of the FR of Yugoslavia reiterates once again that it has never ceded or intends to cede the sovereignty over any part of its territory and resolutely rejects the tactics of manipulating or diverting the attention from the alliance of UNMIK and KFOR with the terrorist so-called KLA. It particularly refuses all moves in line with fait accompli acts.

- The sovereignty and territorial integrity of the FR of Yugoslavia are inviolable and final: overall conduct, decisions of KFOR and UNMIK particularly of the UN SG Special Representative and head of UNMIK B. Kouchner, including his decision on the establishment of the "Interim Administration Council of Kosovo" disregarding or violating the principle of sovereignty and territorial integrity of the FR of Yugoslavia, as well as all measures, acting and failing to act, contrary to the UN SC resolution 1244 (1999) or MTA, or represent an attempt at their revision, the FR of Yugoslavia considers null and void and they cannot have any legal effect or be binding on the FR of Yugoslavia or its organs in any way.

2. Massive violations of human rights

Terror and violence[1]: Albanian terror and violence, ethnic cleansing and genocide against non-Albanian population, above all the Serbs and Montenegrins, but also Roma, Muslims, Turks, Goranci and others, destruction of their homes, usurpation and destruction of private and State-owned property, rampant crime and chaos in the Province, continue despite the presence of several dozen thousand of

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[1] Detailed overview of terrorist activities of Albanian terrorists given in the Annex

well armed members of KFOR and more than 2,000 UNMIK policemen. That speaks convincingly that KFOR and UNMIK do not fulfil their basic obligations arising from their mandate, particularly in terms of guaranteeing full personal and property security and safety of all citizens in the Province, above all the Serbs and Montenegrins, who have been exposed to systematic ethnic cleansing, terror, killings and abductions.

- The Government of the FR of Yugoslavia insists that KFOR and UNMIK fulfil without delay all their obligations and create as soon as possible the conditions for a safe return of all expelled persons to Kosovo and Metohija.

- **Ethnic cleansing**: Since the deployment of KFOR and UNMIK, more than 350,000 Serbs, Montenegrins, Roma, Muslims, Turks, Goranci and other non-Albanians were forcibly driven out of the Province. Terrorists are increasingly targeting Albanians, loyal citizens of the Republic of Serbia and the FR of Yugoslavia, who refused to obey the demands of Albanian terrorists and criminals.

- The fact that the alleged search of the Serbs in Kosovska Mitrovica by KFOR was used by Albanian terrorists to expel additional 16,000 Serbs and Montenegrins, should serve as a warning. It is evident that this form of intimidation of the Serbs in Kosovska Mitrovica, with direct participation of the members of KFOR, is just another example of the proven policy of bringing pressure to bear on the Serbs, with a view to completing ethnic cleansing of the Province.

- **Terrorism**: In the period from 10 June 1999 through 30 March 2000, there was a total of 4,564 terrorist attacks (4,314 against Serbs and Montenegrins); 936 persons (835 Serbs and Montenegrins) were killed; 876 (824 Serbs and Montenegrins) were wounded, and 867 (798 Serbs and Montenegrins) were abducted. More than 50,000 homes, mostly those belonging to Serbs, Montenegrins and Roma, were destroyed, burned down or severely damaged.

- **The latest serious crimes**: During the month of March, the crimes committed by Albanian terrorists continued. They were motivated by the desire to scare the remaining Serb and other non-Albanian population into leaving the Province. The manner in which these crimes were committed is yet another proof that Albanian terrorists have neither been disarmed nor demilitarized. The most brutal crimes include: planting of explosives in the home of Azem Dzaferi, a Muslim, in Prizren (1 March 2000); shelling of the village of Grabovac and a bombing of the building housing the training centre in Obilic (3 March 2000); brutal attacks on Serbs in the villages of Bostane and Trnicevce (6 March 2000); terrorist bombings of the Serbian section of Kosovska Mitrovica, in which 19 Serbs were injured (7 March 2000); shelling of the Serbian village of Gorazdevac (10 March 2000); brutal murder of Srdjan Peric by beating him about the head with an axe when the terrorists opened machine gun fire at a group of Serbs working in the field (11 March 2000); blasting of a railway overpass causing interruption of services between Kosovska Mitrovica and Lesak, municipality of Leposavic (23 March 2000).

- **New forms of terror against Serbs and other non-Albanian population:**

Instead of providing full security to Serbs, KFOR resorts to the use of brute force, harassment, physical violence, including causing damage to Serb property, which represents a new form of an inadmissible behaviour of international forces with a clear message to the Serbs. Particularly drastic incidents occurred in Kosovska Mitrovica (on 20-25 February) as well as in the villages of Mogila (on 25-26 February), in which Serbian houses were searched by using the method of most brutal physical violence, Draganovac (Gnjilane municipality) and Miolice (Leposavic municipality), Mali Zvecan (27 February), Gornje Kusce (1 March) and the Serbian villages of Rudare and Grabovac (1 March). The searches were conducted by KFOR jointly with the terrorists of the so-called KLA, who wore international security forces uniforms, thus proving the strong links between KFOR and Albanian terrorists.

The illegality and brutality of this action as conducted by US and German KFOR contingents were also condemned in the OSCE report of 21 February 2000, saying that in doing so, KFOR violated the provisions of the International Covenant on Civil and Political Rights. Establishing also that the operation was illegal, the fact was brought to the attention of the head of UNMIK B. Kouchner.

- **Terrorist attacks outside the Province:** In the belief that the destabilization of the situation on the widest possible territory facilitates the achievement of their separatist goals, Albanian terrorists are seeking to spread terror, chaos and lawlessness outside the Province to other parts of the Republic of Serbia and the FR of Yugoslavia, which would not have been possible without the support and direct assistance by members of KFOR and UNMIK, whose responsibility is to prevent all attempts of violating safety within the administrative territory of the Province. The fact that the members of the so-called Kosovo Protection Corps take part in terrorist attacks outside the Province, clearly confirms that Albanian terrorists from the so-called KLA have neither been disarmed nor demilitarized, and least of all, that the so-called Kosovo Protection Corps is an allegedly a civilian structure.

- **"Labour camps" for Serbs:** The prisons, run by the terrorist so-called KLA throughout Kosovo and Metohija, house several hundred abducted Serbian civilians, who have been placed in "labour camps" controlled by the so-called KLA. The abductees have been subjected to extremely cruel and inhuman treatment in these "labour camps" located in the village of Maticane, 15 kilometres away from Pristina, as well as in the village of Dusanovo near Prizren and in Drenica. Access to these people is strictly forbidden, even by ICRC representatives.

Additionally, in the Republic of Albania there are also some 350 persons of Serb nationality, who have been abducted in Kosovo and Metohija. The international forces in Kosovo and Metohija are aware of the existence of such prisons for the abducted Serbs. Despite the fact that it represents the most inhuman violation of individual human

rights and freedoms they have done nothing to free the abducted persons.

Other representatives of the international community (UN Secretary-General, the Security Council, the ICRC as well as Mrs S. Ogata, Mr. J. Dienstbier and others) have been fully informed about the lists of abducted Serbs without any major effect as regards the release of those who were not executed in the meantime.

- **Attacks on aid convoys**: Attacks on aid convoys and prevention of the delivery of basic food staples, medical supplies for hospitals, etc., all intended for the Serb population under several months blockade have become increasingly frequent, which is a special form of genocide against Serbs, calculated at bringing about their physical destruction. In this respect, particularly striking examples are the following: attack on the Serb convoys headed for Strpce, near the village of Radivojce (on 22 and 29 February); attack on the Serb convoy en route to Koretiste, in the village of Dobricane (28 February); attack on the bus transporting Serb children on their way back from school, on the road between Gornje Kusce and Koretiste (29 February); attacks against Serb convoys in the village of Koretin (6 and 20 March); repeated attacks against Serb convoys in Gnjilane (7 and 10 March); an attack on a Serb convoy in the village of Dobrovce (27 March).

KFOR has not prevented these attacks by terrorists. Also, it has refused to provide security escorts (Lieutenant Peter Ramstel, KFOR, Kosovska Mitrovica area, banned all KFOR security escorts for buses transporting Serbian schoolchildren and sick persons to Gracanica, 1 March. It is not prepared to escort convoys between Merdare and Kosovo Polje) which is yet another proof that KFOR does not carry out is obligations under the resolution, thereby encouraging Albanian terrorists to freely continue their daily violence against Serbs in order to force them to leave Kosovo Polje and other places.

- **Destruction of cultural and historic sites:** Destruction of Serbian monuments of culture and the most precious symbols of centuries' old roots of Serbian statehood and spirituality in the region of Kosovo and Metohija has continued. In total, 85 churches and medieval monasteries have been destroyed, burned or seriously damaged.

- **Discrimination against Serbs and a cultural and spiritual genocide of Serbs**: UNMIK continues to tolerate and encourage through its actions discrimination against Serbs especially in education (the closure of universities, schools), culture and the media in the Serbian language. In doing so the most frequently cited excuse is alleged attempt to preserve the multi-ethnic, multi-cultural and multi-religious structures in the Province. The fact that this is done where the Serbs have managed to live in larger numbers clearly shows that KFOR and UNMIK directly encourage the aspirations of Kosovo Albanian terrorists towards breaking apart the ethnically solid Serbian communities, and that they directly pressurize Serbs into leaving their ancestral homes.

- The policy of double standards and unobjective criteria disfavouring Serbs, applied by UNMIK on the one hand have deprived not only Serbs but also Roma, Muslims, Turks and Goranci of their jobs, doing nothing to ensure their reinstatement to the jobs they were forcibly kicked out of. On the other hand, they favour Albanians irrespective of the lack of skills on their part, constituting the most flagrant violation of the principle of equality and multi-ethnicity.

- KFOR and UNMIK bear sole responsibility for massive violation of human rights in the Province, for lawlessness, chaos and breaches of the provisions of Security Council resolution 1244 (1999), relating to the preservation of the multi-ethnic, multi-confessional and multi-cultural character of the Province, by becoming outright accessory to ethnic cleansing and genocide.

3. Disarming of the terrorist so-called KLA

Daily terrorization, violence, killings and destruction of Serbian homes and settlements, cafes and other places frequented by Serbs in massive numbers in the remaining Serb enclaves, as well as attacks on civilians and Yugoslav security forces beyond the boundaries of the Province, with the use of heavy ordnance even, all testify to the fact that the terrorists of the so-called KLA have not been disarmed.

Leaders of these terrorist/separatist formations, Hashim Thaqi, Agim Ceku and others, continue to openly advocate the independence of the Province, whereby the so-called KPC, which is nothing but a "transformed" terrorist so-called KLA, would be a core of the future Albanian army.

The Government of the FR of Yugoslavia recalls once again its position, expressed in the letter of 22 September 1999 to the President of the Security Council, that purported transformation of the terrorist so-called KLA into the so-called "Kosovo Protection Corps" was a sham and a manipulation, so as to avoid the obligation of a genuine demilitarization and disarming of this illegal terrorist organization. This has been clearly proven by the situation in the Province, as is being increasingly openly admitted to even in the biased media and Western political circles.

KFOR and UNMIK, in particular Bernard Kouchner, bear full responsibility that the so-called KLA has not yet been disarmed, and that with their blessing, an illegal Albanian armed formation was created, composed mostly of proven Albanian but also of international terrorists recruited in neighbouring and other States known for sponsoring international terrorism. There is information that Islamic extremists from Chechnya are sheltering in large numbers in Kosovo and Metohija where they enjoy the protection of KFOR and UNMIK.

- Thriving crime in the Province: Direct proof that KFOR and UNMIK have failed to discharge their mandates strictly, notably with respect to securing the international borders of the FR of Yugoslavia with Albania and Macedonia, is their patronizing attitude towards

Albanian terrorists and separatists who enter the FR of Yugoslavia without hindrance, which is the main cause for the thriving crime and chaos in the Province.

As a result of an unprotected border, in flagrant violation of Security Council resolution 1244 (1999), KFOR and UNMIK have allowed illegal entry into the Province of several hundred thousand criminals and looters from Albania, aimed at spilling over the chaos from Albania into Kosovo and Metohija. Kosovo and Metohija have, thus, been turned into a stronghold of organized international crime, terrorism, narco mafia, illicit arms trafficking, white slavery, juvenile crime and prostitution rackets in Central and Western Europe, with a view to spreading crime and destabilizing Europe and preventing the ongoing integration processes.

4. Civil registration and local elections in Kosovo and Metohija

On the basis of UN SC resolution 1244 (1999), UNMIK has no authority to conduct civil registration and issue personal IDs to the citizens of the FR of Yugoslavia from Kosovo and Metohija. In accordance with the sovereignty and territorial integrity of the FR of Yugoslavia, that right has been vested in the competent State authorities of the Republic of Serbia and the FR of Yugoslavia, in line with the existing legislation.

UNMIK has no authority to conduct local elections in the Province, particularly not without explicit approval and participation of the competent authorities of the Republic of Serbia and the FR of Yugoslavia, but only to monitor them.

The Government of the FR of Yugoslavia confirms its commitment towards fair and democratic elections in the Province. However, it warns again that it will be possible to organize such elections only after necessary conditions are created and the structure of local government (substantial autonomy) is established, for which the elections are being held, which should be an outcome of a comprehensive political process, with active and equal participation of the official authorities and institutions of the Republic of Serbia and the FR of Yugoslavia as well as representatives of all national communities in Kosovo and Metohija.

Against a background of continuing terror, final stages of the ethnic cleansing of Serbs and other non-Albanian population in the Province, absence of conditions for the return of over 350,000 expellees and a presence of a couple of hundred thousand illegal foreign citizens in Kosovo and Metohija, it is evident that there are not even the basic conditions for civil registration in the context of the preparations for the elections to be held in near future. Ignoring these facts and insistence by OSCE and UNMIK to proceed to civil registration in the circumstances described represent an attempt at the policy of fait accompli, i.e. at legalizing local para-State institutions set up by the terrorist so-called KLA after the deployment of KFOR and UNMIK in the territory of the Province, and thereby at encouraging the further destabilization of the Province along the lines

of achieving the separatist goals of Albanian extremists.

The Government of the FR of Yugoslavia strongly rejects any attempt at calling for early elections in the Province until basic conditions are not met, i.e. consolidated peace and stability on the basis of Security Council resolution 1244 (1999).

This, first and foremost, implies a free and safe return of all expelled Serbs and other non-Albanian population, expulsion of more than 200,000 non-residents of the FR of Yugoslavia who illegally entered the Province since the deployment of KFOR and UNMIK, and agreeing, with the Government of the FR of Yugoslavia, basic parameters for the political settlement in Kosovo and Metohija, in line with UN SC resolution 1244 (1999).

5. Parameters of "substantial autonomy" of the Province

All attempts to establish parameters of "substantial autonomy" of the Province outside the constitutional and legal framework of the FR of Yugoslavia and the Republic of Serbia, are illegal, particularly without active participation of their competent authorities.

The Government of the FR of Yugoslavia most resolutely opposes all attempts that the projects on the future status of autonomy and self-government, enable the separation of the Province from the current constitutional and legal system of the Republic of Serbia and the FR of Yugoslavia, which has no basis in UN SC resolution 1244 (1999), nor in the existing constitutional order of the FR of Yugoslavia, which is inviolable.

The FR of Yugoslavia will not accept, nor will in any way be bound by any acts of imposition of outside solutions for the Province, no matter where they came from. In line with this, it is absolutely against the Security Council legalizing any document containing parameters of a future status of autonomy in Kosovo and Metohija, in whose formulation the official representatives of the Republic of Serbia and the FR of Yugoslavia did not participate directly.

Democratic and fair solution implies a political agreement, with full and equal participation of the representatives of the Republic of Serbia and the FR of Yugoslavia and representatives of all national communities in the Province, when all relevant preconditions are fulfilled:

- ensuring full security of all citizens;
- safe return of all expelled and displaced Serbs and other non-Albanian population;
- disarming of all terrorists and eliminating combat structure of the terrorist so-called KLA, i.e. dismantling of illegal Kosovo Protection Corps;
- suspension of all illegal decisions of "Interim Administrator" and local para-State and para-political structures based on them;
- ensuring full respect and application of the Constitution and laws of the FR of Yugoslavia and the Republic of Serbia;

- normal functioning of the competent State authorities and institutions;

- ensuring conditions for the establishment of democratic, multi-party structure of the Province, etc.

- The Government of the FR of Yugoslavia recalls that the State delegation of the Republic of Serbia, during negotiations in Paris, on 15 March 1999, signed an agreement with the representatives of all national communities in Kosovo and Metohija on self-government in the Province. This unambiguously confirmed its commitment to have the question of autonomy and self-government in the Province resolved by exclusively political means, on the basis of guaranteeing full equality of all citizens and ethnic communities living in the Province. However, only the representatives of Albanian political parties refused to sign the agreement, those parties whose platform includes separatism and terrorism as an end to it. In doing so, they clearly demonstrated that they were interested only in full "independence" of the Province from "Belgrade", in other words - only in the project that implies the change of the State borders of the FR of Yugoslavia and the Republic of Serbia, which is in direct contravention of the Charter of the United Nations, the Helsinki CSCE/OSCE principles and the basic provisions and substance of UN SC resolution 1244 (1999) and its related documents.

6. The return of Yugoslav Army (VJ) and police (MUP)

- It is unjustified and absolutely unacceptable to continue to fail to implement clear provisions of the Resolution and Military Technical Agreement (operative para 4, subparas 6 and 10, Annex 2 of the Resolution and para 4 of Military Technical Agreement), on return of members of VJ and MUP to the Province, particularly when KFOR and UNMIK have proved totally inefficient in ensuring security for all citizens, peace, rule of law in the Province and particularly in guaranteeing full safety of persons and property, safe and unimpeded return of all expelled Serbs and other non-Albanian population. By such attitude, KFOR and UNMIK directly give in to the interests of Albanian terrorists and separatists and encourage them to continue with their daily terrorization of Serbs and other non-Albanians with the aim at completing the ethnic cleansing of Serbs and other non-Albanians in the Province.

- The Yugoslav Government insists that this obligation be fulfilled immediately and without any conditions, in the interest of all citizens of the Province and of the protection of the sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia.

7. Responsibility of the United Nations Security Council

The Security Council, as guarantor of its resolution 1244 (1999), is fully responsible for the failure to comply with, and for the flagrant violations of, its key provisions, primarily those reaffirming the sovereignty and territorial integrity of the FR of Yugoslavia on all its territory.

Continued gross violations of the provisions of the Resolution and its related documents by KFOR and UNMIK which brought about an alarming development of the situation in the Province, with potentially far-reaching harmful consequences for the entire region, have not been responded to by adequate measures of the Security Council to put an end to such dangerous developments. This confirms the lack of readiness on the part of the Security Council to fulfil its obligations arising from the Charter, and is therefore to be held directly accountable for the detrimental consequences caused by such conduct as well as for all future developments should the Council continue to be passive.

The Government of the FR of Yugoslavia insists that the Security Council, in accordance with its obligations, took immediate and urgent measures to implement strictly the resolution and its related documents thud preventing the further undermining of the sovereignty and territorial integrity of the FR of Yugoslavia.

- In accordance with the primary responsibility of the Security Council for the consistent implementation of the Resolution and its related documents, **the Government of the FR of Yugoslavia resolutely rejects all attempts to delegate the competencies of the Security Council in connection with the Resolution in any part, to some narrow groups with interests outside the Security Council, such as G-8, the Contact Group, etc. The decisions of such ad hoc bodies, whose mandate is established outside the competencies and control of broader international community, particularly the Security Council, are absolutely unacceptable and cannot have any binding effect for the Government of the FR of Yugoslavia.**

III. ASSESSMENT OF THE CURRENT DEVELOPMENT OF THE SITUATION IN KOSOVO AND METOHIJA

1. Overall performance of KFOR and UNMIK

The results of the ten-month long international security (KFOR) and civilian (UNMIK) presence in the south Serb Province are devastating. The utterly disturbing situation is characterized by wide-spread crime, chaos and lawlessness, large-scale terror, genocide and ethnic cleansing of Serb and other non-Albanian population, destruction of their private property, looting and usurpation of the property of the State and of private firms, carried out by armed Albanian extremists, members of the terrorist so-called KLA in particular.

- Multiethnic Kosovo and Metohija - hypocrisy of KFOR and UNMIK:
Developments in the Province, owing to non-implementation of SC resolution 1244 and its flagrant violation by KFOR and UNMIK have fully revealed that verbal commitment by KFOR and UNMIK for the maintenance of multi-ethnic structures in the Province are mere farce. Total failure of the international mission under the auspices of the United Nations is a serious blow to the reputation and credibility of the World Organization. In particular, it is inadmissible that the KFOR and UNMIK, in a situation when they are doing nothing to ensure the return of more than 350 thousand expelled Serbs and other non-Albanian population are trying to impose their commitment for an alleged multi-

ethnicity by force only on the remaining Serb enclaves, which is a clear message to the Serbs that they are undesirable.

- **Ethnic cleansing** of Serbs and Montenegrins in the largest part of the Province has been already accomplished. Concentrated attacks of Albanian terrorists and senseless moves by KFOR and UNMIK towards the remaining Serbian enclaves, above all Kosovska Mitrovica as the largest one, confirm a direct collusion between Albanian terrorists and international forces in Kosovo and Metohija in an ethnic cleansing campaign of the Province of non-Albanian population, primarily Serbs.

The insistence of KFOR and UNMIK on the establishment of multiethnic communities, particularly the so-called security zones, in the remaining Serbian enclaves in particular is both unconvincing and cynical, while at the same time no one is even mentioning for example Pristina in which about 40 thousand Serbs and Montenegrins used to live before the arrival of KFOR and UNMIK, with hardly hundred of them remaining now. Particularly striking is the fact that of the previous 250,000 Serbian school children and undergraduate students who attended classes in Pristina there are now only 35 of them who attend school outside Pristina (Laplje selo).

At the same time, there is not a word about the re-establishment of multi-ethnic structure in Prizren, Pec, Orahovac, Djakovica, Glogovac and many other towns, villages and areas in Kosovo and Metohija, like Kosovo Pomoravlje, which are also completely ethnically cleansed of Serbs and Montenegrins. Moreover, the most responsible official of the World Organization, Secretary-General Kofi Annan, in his latest report to the Security Council (C/2000/177 of 3 March 2000) only notes that there are no conditions for the return of expelled Serbs and other non-Albanian population, while at the same time he does not even mention that he will undertake measures to create such conditions, although it is an explicit obligation under UN SC resolution 1244 (1999).

The latest "games" by KFOR and UNMIK over Kosovska Mitrovica are but a new confirmation of the proven policy of demonizing Serbs in order to justify true ends, namely finalization of the ethnic cleansing of the Province of all its Serbs and to cover up the fact that the members of the terrorist so-called KLA have neither been demilitarized nor disarmed. Recent articles in the French press fully expose perfidious tactics of B. Kouchner and those who stand behind him, aimed at fuelling and artificially maintaining at all cost the picture of the Serbs as usual suspects. In doing so, B. Kouchner seeks to conceal that he is directly involved in catering to the interests of a separatist movement of H.Thaqi and A. Cheku, to the detriment of the vital interests of the Serbs and other non-Albanian population, the Republic of Serbia and the FR or Yugoslavia.

- **Non-compliance and gross violations of the basic provisions of Security Council resolution 1244 (1999) and its related documents by KFOR and UNMIK,** has resulted directly in the dramatic security and general situation in the Province, above all in the continuation of Albanian terrorism, violence and ethnic cleansing of Serbs and other

non-Albanian population and wide scale crime and lawlessness in the Province. Thus KFOR and UNMIK have become accomplices in the most serious crimes committed against Serbs and other non-Albanian population and they are responsible mostly for the lack of elementary security of Serbs and non-Albanian population in the Province.

However, the tested tactics of deluding the world public and of diverting the attention from the complete fiasco of international mission under the auspices of the United Nations is in place, while the attempts are being made to blame at any rate the remaining Serbs. This is not only a cynicism of its own kind, but also a proof of direct protection of Albanian terrorists and separatists, of organized international crime and of the continuation of a new form of aggression against the FR of Yugoslavia through the alliance of NATO and terrorist so-called KLA. Such activity is obviously aimed at spreading the destabilization over the entire region of south-eastern Europe and transforming Kosovo and Metohija into a centre of prolonged destabilization of Europe, and the entire region into a centre for the concentration and spreading of international terrorism throughout Europe in order to jeopardize the processes of integration.

The continuous deterioration of the overall situation in the Province is in line with the efforts to provoke artificially the prolonged destabilization in the region which should justify the existence of NATO and rehabilitate its prestige and authority which have been seriously brought into question by its illegal aggression against the FR of Yugoslavia. Therefore, manipulations with utterly malicious assertions of KFOR and UNMIK officials about an alleged success of the international mission in the Province have continued, as also evidenced in the recent report of the UN Secretary General to the Security Council.

The statements of KFOR and UNMIK representatives of alleged success of the international mission in the Province are absolutely unacceptable since they are not founded on real situation on the ground and consequently this inevitably leads to a conclusion that they are based on the assessment of some other goals which are different from those set up in Security Council resolution 1244 (1999) and its related documents. The data presented by KFOR and UNMIK concerning the decrease of crimes in the Province are also unacceptable and malicious, because they are the result only of a continuous reduction of the total number of Serbs and other non-Albanian population who are the victims of Albanian terrorists.

Open cooperation of KFOR and UNMIK with Albanian separatists and terrorists in jeopardizing the sovereignty and territorial integrity of a sovereign Member State of the United Nations is without a precedent in the history of the UN peace-keeping missions, whereby the reputation and authority of the United Nations are seriously brought into question. The credibility of the world Organization is particularly eroded by the behaviour of its representative B. Kouchner, which has been recently openly spoken about in France (articles in "Le Point", "Le Canard Enchaine" and other media).

2. Strict implementation of the Resolution and its related documents - an imperative for the normalization of the situation in Kosovo and Metohija.

All parameters unambiguously confirm that the developments in the Province are moving towards the further worsening of the overall situation, its dangerous compounding and increased threats to the overall stability of the region.

By the gross violation of the provisions of the Resolution and by their overall conduct, KFOR and UNMIK have unambiguously confirmed that **the presence of international forces under the auspices of the United Nations in Kosovo and Metohija so far is a complete fiasco.** The United Nations Security Council bear primary responsibility for tragic consequences brought about, since it failed to undertake necessary and energetic measures it was bound to under the Resolution, to ensure a strict implementation of the provisions of the Resolution and its related documents.

It is obvious that there is no longer an excuse for further stay of the mission of the so-called international community, since it was not able or did not want to carry out the mandate entrusted to it in UN SC resolution 1244 (1999). It is therefore necessary that this shameful mission be ended as soon as possible and that the competent authorities of the FR of Yugoslavia and the Republic of Serbia be enabled to:

- **restore order and peace, rule of law and legality;**
- **ensure personal protection and the protection of the property of all its citizens irrespective of their ethnic origin or religion;**
- **ensure normal functioning of all commercial entities and local authorities, and**
- **create all necessary preconditions for launching political dialogue between the representatives of the State and ethnic communities in Kosovo and Metohija about the parameters of autonomy and self-governance in the Province, within the constitutional system of the Republic of Serbia and the FR of Yugoslavia.**

Strict compliance with the resolution and its related documents is the fundamental precondition for the normalization of the overall situation in the Province and the obligations of all to respect it unconditionally.

In that context, the Government of the FR of Yugoslavia expects that its previous initiative for a mission of the Security Council to visit the FR of Yugoslavia and sees first hand the dramatic developments in the southern Serb province has been implemented in the very near future.

IV. DEMANDS OF THE GOVERNMENT OF THE FR OF YUGOSLAVIA

Proceeding from its sovereign rights, guaranteed by Security Council resolution 1244 (1999), Ahtisaari-Chernomyrdin document and Military Technical Agreement, **the Government of the FR of Yugoslavia most resolutely reiterates its demand:**

- that the Security Council undertake urgently energetic measures to ensure strict respect of all provisions of the Resolution and its relevant documents, above all, those guaranteeing the sovereignty and territorial integrity of the FR of Yugoslavia on its entire territory;

In this context, the Yugoslav Government **insists in particular :**

- that UNMIK and KFOR unconditionally and without delay respect and implement the mandate set up in the Resolution and its relevant documents;
- that KFOR and UNMIK strictly respect sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia and immediately end all acts and behaviour violating them, and restore the situation in the Province to the status quo ante;

This, above all, implies:
- full normalization of customs and border regime, inevitable return of Yugoslav border authorities, customs and passport control to the State border of the FR of Yugoslavia with Albania and Macedonia;
- normalization of public services (PTT, power supply system, railway, banking system) in accordance with the laws of the Republic of Serbia and the FR of Yugoslavia and principles of market-oriented economy in view of restoring the ties of the Province with the Republic of Serbia and the FR of Yugoslavia which have been artificially broken;
- that all regulations and other decisions of UNMIK and KFOR which violate territorial integrity and sovereignty of the FR of Yugoslavia and the Republic of Serbia be rescinded, that the respect for the laws in force of the FR of Yugoslavia and the Republic of Serbia be ensured on their entire territory; in that context, it most resolutely opposes the abuse of authority by UN SG Special Representative B. Kouchner in connection with civil registration and local elections in the Province and planned procedure to establish parameters of "substantial autonomy", without direct participation of the competent authorities of the FR of Yugoslavia and the Republic of Serbia, in accordance with the existing Yugoslav legislation;
- to undertake energetic measures to put an end to terror, intimidation and ill-treatment of Serbs, Roma, Muslims, Goranci, Turks and members of other non-Albanian ethnic communities, as well as abuse of force which results in violation of their fundamental human rights and efficiently prevent further ethnic cleansing of the Province of non-Albanian population;
- that all illegally seized State, public, socially-owned and private property primarily PTT, power supply system, railway, banks, mines, factories, firms, as well as private property of citizens of the Province, be returned to legal owners.
- that immediately a safe environment for all citizens and their full personal safety and safety of their property be ensured;
- that a free and safe return to the Province be ensured without delay to more than 350,000 Serbs, Montenegrins, Roma, Goranci, Turks, Egyptians and other inhabitants expelled in a campaign of ethnic cleansing after UNMIK and KFOR came to the Province;

- that several hundred thousand citizens of Albania who have illegally entered the Province by crossing the unprotected Yugoslav State borders, be expelled immediately;

- that without further manipulations and delay, the combat structures of the terrorist so-called KLA be disbanded and all its members disarmed as well as other Albanian armed gangs, that all their weapons be destroyed, which is the main reason for the lack of security in the Province and for overall thriving crime, and in particular to declare null and void the document on the "transformation" of the so-called KLA;

- that, without delay, an unhampered return of the members of VJ and MUP to Kosovo and Metohija be allowed, in compliance with the MTA, in the interest of normalizing security and preventing further massive expulsions of the remaining Serbs and other non-Albanian population from the Province;

- that full freedom of movement on the entire territory of the Province be ensured and that all existing ghettos, detention camps, blockading of towns and villages, such as Kosovska Mitrovica, Orahovac, Gnjilane and others, where the remaining Serbs now live, be removed;

- that an unimpeded delivery of humanitarian assistance be enabled, particularly to isolated Serbs, as the most vulnerable category of population in the Province;

- that normal functioning of education, respect for the autonomy of university and other educational and cultural institutions and the media, especially those in Serbian language and wherever Serbs are predominant (Kosovska Mitrovica, etc.) be ensured;

- that full and permanent protection of remaining cultural and historic monuments, medieval monasteries, churches and cemeteries be ensured and to undertake measures for their gradual restoration;

- that without delay, the leaders of the so-called KLA, H. Thaqi and A. Cheku in the first place, as well as all other instigators of serious crimes, genocide, ethnic cleansing and terrorist acts against the non-Albanian population, their property and State and public property, and against cultural and historic sites, educational, health, commercial and other institutions and facilities, be held accountable and punished in an exemplary fashion;

- that without any further delay, a comprehensive agreement between the FR of Yugoslavia and the United Nations on regulating the status of the international presence under the auspices of the United Nations in Kosovo and Metohija and on other relevant issues, be concluded without further delay.

Belgrade, 3 April 2000

II

O V E R V I E W

of terrorist and other acts of violence and of certain violations of Security Council resolution 1244 (1999) in the Province of Kosovo and Metohija since the arrival of KFOR and UNMIK in the period from 10 June 1999 to 30 March 2000

(1)Number of terrorist attacks: 4,564

4,314 were committed against Serbs and Montenegrins, 104 against Albanians and 146 against Roma, Muslims, Goranci, Turks and members of other nationalities.

(2) Number of killed persons: 936

835 were Serbs and Montenegrins, 72 were Albanians and 29 members of other nationalities in Kosovo and Metohija.

(3)Number of abducted and missing persons: 867

798 were Serbs and Montenegrins, 40 Albanians and 29 members of other nationalities.
The fate of 744 persons is still unknown; 81 abducted persons were killed, 6 persons escaped while 36 were released.

(4) Number of wounded persons: 876

824 were Serbs and Montenegrins, 20 Albanians and 32 other nationalities.

(5)Ethnic cleansing: In the campaign of ethnic cleansing following the deployment of KFOR and UNMIK over 350 000 Serbs, Montenegrins, Roma, Muslims, Goranci, Turks and other non-Albanians were expelled from Kosovo and Metohija, of whom 270 000 are Serbs.

The following towns and villages are ethnically cleansed of Serbs, Roma, Muslims, Goranci, Turks and other non-Albanians:
- Pristina (all Serbs have been driven from its largest suburbs of Ulpijana, Suncani Breg, Dardanija, Univerzitetsko Naselje). Of the 40 000 Serbs who used to live in Pristina before KFOR and UNMIK came to the Province, 25 000 were schoolchildren and undergraduate students. Today, only 35 Serb schoolchildren live there and attend classes a local school in the village of Laplje;
- Gnjilane, Urosevac, Prizren (only 100 Serbian families remained);
- Djakovica, Pec, Podujevo, Glogovac, as well as the wider areas of Kosovska Mitrovica (Vucitrn, Srbica), Lipljan, Kosovo Polje, from which 80 per cent of Serb residents were expelled (their homes are burned, looted and property is seized from the owners of cafes and shops, while Albanian terrorists brutalize and mistreat those Serbs who refuse to

sell their homes and leave Kosovo and Metohija, in the presence of KFOR);
- the whole area covered by the municipalities of Istok and Klina including the villages: Dzakovo, Osojane, Tucepom, Kos, Zac, Belica, Krnjine, Maticane, Kacanik, Stimlje, Kmetovacka Vrbica and others, where 3 440 Serbian homes were burned down;
- the surroundings of Urosevac, Slivovo, Nedakovac, Nevoljane, Vrpica, Ljestar, Zegra (municipality of Gnjilane), Zitnje, Pozaranje, Grmovo, Drobes;
- the surroundings of Vitina (Kabas, Binac and other villages), the areas of Kosovska Kamenica (villages of Bratilovce, Firiceja and others) and Kosovsko Pomoravlje, as well as the villages of Toplicane, Rujice, Magure, Slovinja, Staro Gracko, Klobukar in the municipality of Novo Brdo. (All Serb houses have been burned down and all its owners forced to leave.)

Members of the terrorist "KLA" exercise particularly strong pressure on the region of Gora populated by an indigenous ethnic group - Goranci, who are not allowed to use their mother tongue, i.e. the Serbian language, in schools and in everyday life, in an attempt to misrepresent this ethnic group as members of Albanian nationality.

In the area of Istok municipality, expulsion of the Muslim ethnic community, who are loyal citizens of the FR of Yugoslavia, has been particularly intensified.

(6) The latest brutal crimes: Planting of explosives in the home of Azem Dzaferi, a Muslim, in Prizren (1 March 2000); shelling of the village of Grabovac and a bombing of the building housing the training centre in Obilic (3 March 2000); brutal attacks on Serbs in the villages of Bostane and Trnicevce (6 March 2000); terrorist bombings of the Serbian section of Kosovska Mitrovica, in which 19 Serbs were injured (7 March 2000); shelling of the Serbian village of Gorazdevac (10 March 2000); brutal murder of Srdjan Peric by beating him about the head with an axe when the terrorists opened machinegun fire at a group of Serbs working in the field (11 March 2000); blasting of a railway overpass causing interruption of services between Kosovska Mitrovica and Lesak, municipality of Leposavic (22 March 2000).

(7) New forms of terror against Serbs and other non-Albanian population:
KFOR's security actions against Serbian and other non-Albanian population increasingly demonstrate force, harassment, physical violence, including causing damage to Serb property. Drastic incidents occurred in Kosovska Mitrovica (on 20-25 February) as well as in the villages of Mogila (on 25-26 February), in which Serbian houses were searched by using the method of most brutal physical violence, Draganovac (Gnjilane municipality) and Miolice (Leposavic municipality), Mali Zvecan (27 February), Gornje Kusce (1 March) and the Serbian villages of Rudare and Grabovac (1 March). The searches were conducted by KFOR jointly with the terrorists of the so-called KLA, who wore international security forces uniforms, thus proving the co-ordination between KFOR and Albanian terrorists.

(8) Latest terrorist attacks on Serb convoys:
Attacks on the Serb convoys headed for Strpce, near the village of Radivojce (on 22 and 29 February); attack on the Serb convoy en route to Koretiste, in the village of Dobricane (28 February); attack on the bus transporting Serb children on their way back from school, on the road between Gornje Kusce and Koretiste (29 February); Lieutenant Peter Ramstel (KFOR, Kosovska Mitrovica area) banned all KFOR security escorts for buses transporting Serbian schoolchildren and sick persons to Gracanica (1 March); attacks against Serb convoys in the village of Koretin (6 and 20 March); repeated attacks against Serb convoys in Gnjilane (7 and 10 March); an attack on a Serb convoy in the village of Dobrovce (27 March).

KFOR has not prevented these attacks by terrorists. Also, it has refused to provide security escorts between Merdare and Kosovo Polje. This is yet an additional pressure on Serbs to leave and flee the daily terror against them in Kosovo Polje.

(9) Number of arbitrarily arrested persons by KFOR and UNMIK: 191
Arrested Serbs are detained in prisons in Pristina, Prizren, Sojevo near Urosevac, Kosovska Mitrovica, Gnjilane, Lipljan and Klokot Banja.

They have been arrested without any explanation or charges, only on the ground of information provided by the Albanians, most frequently by the members of the terrorist so-called "KLA".

(10) Prison and labour camps run by the so-called "KLA" for abducted Serbs
The abducted Serb civilians are detained by the so-called "KLA" in the labour camps located in the village of Maticane and in the wider area of Prizren (Ortokal estate, a building situated on the road to Djakovica) and in Drenica.
The prisons run by the so-called "KLA" for Serbs, Montenegrins and other

residents who are not supportive of Albanian terrorists are also situated around the village of Brod, Dragas municipality, and along the Djakovica road towards the village of Junik, Decani municipality, as well as in the villages of Glodjane, Izbica and Strovce in the Kosovska Mitrovica district.

(11) Situation in Kosovska Mitrovica:
Since KFOR and UNMIK were deployed in Kosovo and Metohija, the security situation is particularly serious in and around Kosovska Mitrovica, characterized by:
- the looting and destruction of 2,365 homes belonging to Serbs, Montenegrins and other non-Albanians (1,200 in Kosovska Mitrovica; 1,060 in Vucitrn; and 105 in Srbica);
- 700 Serbian families being thrown out of their flats (500 in southern part of Kosovska Mitrovica; 150 in Vucitrn; and 50 in Srbica);
- the looting and destruction of the property of the following companies:

1. In Kosovska Mitrovica: Socially-owned companies "Kosovo-Sirovina", "Betonjerka", "Lux", "AMD", "Kosmet-Prevoz", "Trans-Kosovo", Duvanska, Minel, Zemljoradnicka zadruga (cooperative), Hortikultura, Mitrovcanka, DES, "Ibar-Rozaje" warehouse, the utility company "Vodovod" (water), the printing company "Progres", the public company "Elektro-Kosovo", PTT and a larger number of bars and cafes owned by non-Albanian residents.

2. In Vucitrn: Socially-owned companies "Sartid", "Vucitrn-Prevoz", "Ratar", the local cooperative, the paints and coatings factory "Ekstra", the construction company "Kosovo", the utility company "Sitnica", the private company "Cicavica", the Labour Exchange, the local community centre, the municipal authorities of Vucitrn, the Building Land Fund, the local department store, the Auditing Office building, Jugobanka, primary and secondary schools, Jugopetrol, Beopetrol, the public company "Elektro-Kosovo", PTT.

3. In Srbica: Hunting munitions factory, plastics factory, the socially-owned company "Buducnost", local cooperative, the public utility company, the socially-owned company "Dijamant-produkt", the local community centre, the local self-managing community of interest, the socially-owned company "Zitopromet" and its silos.

(12) Recent killings and terrorizing of Albanians loyal to the FR of Yugoslavia:
The terrorist so-called "KLA" has stepped up execution of Albanians who do not back it, in particular in the areas of Pristina, Podujevo and Pec. The most drastic examples are: the murder of Hejdi Sejdiu, a member of the Serbian Socialist Party Committee in the province, in his home town of Urosevac in front of his wife and three children (on 10 February), the killing of Danus Januzi in Vitina (on 10 February); the massacre of Tahir Bekim, who was abducted and later killed by the terrorists of the so-called "KLA" (parts of his mutilated body were found on 24 February).

The terrorists of the"KLA" have burnt down the house of Selim Brosi, former head of the Ministry of the Interior of the Province, in the village of Odanovce, municipality of Kosovska Kamenica on 20 March 2000. They are also trying to catch Redzepi Sinan, former employee of the Ministry of the Interior of the Province. Every day they are threatening Sadik Hajrulah from Vitina, Ramadan Sermadzi, an employee of the Ministry of the Interior in Gnjilane, Minir Krasnici from Kosovska Kamenica, as well as other former or present members of the Ministry of the Interior of the Province in Gnjilane, who are of Albanian nationality.

Besides Serbs, the terrorist so-called "KLA" also round up Albanians loyal to the State of the FR of Yugoslavia and bring them to their prison camps (around the village of Brod, Dragas municipality).

(13) Destruction of churches, monasteries and cultural monuments:
85 churches, monasteries and other cultural monuments were burned down, demolished or seriously damaged including the following: the Church of Assumption of Our Lady in Dolac, monastery of St. Marco in Korisa from 1467, monastery of Prophets Kosmo and Damien in Zociste from 14th century, the church in Kijevo from the 14th century, the Holy Trinity monastery from the 14th century near Musutiste, monastery Devic built in 1440, Church of St. Paraskeva in Drenik from the 16th century, Church of St. Dimitri near Pec, the Orthodox church in Grmovo near Vitina, Church of St. Ilija in Zegra near Gnjilane, church of Holy Mother in Musutiste from 1315, Church of St. Prophet Ilija in Bistrazin, Church of Apostles Peter and Paul in Suva Reka, monastery of St. Uros in Nerodimlje, monastery of St. Archangel Gabriel from the 14th century in Binac, Church of the Holy Virgin from the 16th century in Belo Polje, Church of St. John the Baptist in Pecka Banja, churches in the villages of Naklo, Vucitrn, Petrovac, Urosevac, Podgorce, Djurakovac, Krusevo, Osojane, Samodreza, Dresna near Klina, Rekovac, Petric, monastery Binac near Vitina, Holy Trinity Cathedral in Djakovica, St. Nicholas' Church in Gnjilane.

Clergy, monks were terrorized and persecuted. More than 150 parish residences were destroyed or damaged. Over 10,000 icons and other sacred objects, most of which are cultural monuments and landmarks under the special protection of the State, were stolen or destroyed.

Assaults on members of the Catholic religious community by the terrorists of the so-called "KLA" have become more and more frequent in Prizren and Pec, particularly assaults on clergymen (The homes of two Franciscan priests were burned down.).

The following cultural monuments were damaged or demolished:
- monuments in memory of the giants of Serbian and Montenegrin literature Vuk Karadzic and Petar Petrovic Njegos in the very centre of Pristina;
- monuments in memory of King Uros in Urosevac and King Dusan in Prizren;
- memorial to Prince Lazar in Gnjilane and the memorial to Serbian rulers

from the Nemanjic dynasty in the village of Gornje Nerodimlje;
- Memorial to Milos Obilic which was the symbol of the town of Obilic. KFOR have placed the damaged statue within the compounds of the thermal power plant "Kosovo B".

Many of the destroyed monuments are outstanding examples of the Serbian cultural heritage and are on the list of the monuments of exceptional cultural value under the protection of UNESCO.

(14) Forced and illegal taking over of public institutions:
- Forcible and illegal take-overs of premises and buildings of post offices, banks, medical institutions, water and power supply systems, university, elementary and secondary schools, municipal and other authorities of local administration, local communes, buildings of the Ministry of the Interior and the Army of Yugoslavia, factories, enterprises, cooperatives, etc. in Pristina (premises of the Clinical Centre "Pristina" and the health station whose equipment has been stolen and taken to private practices, the Federal Customs Administration, the Public Housing Company, the Institute for Urban Planning, the public enterprise "Vodovod", thermal power plant "Kosovo B", depots and petrol stations of "Jugopetrol", the shareholding companies "Kosmet-Pristina", "Kosovo-Trans", the public enterprise "Energoinvest", the public enterprise "AutoPristina", the car shock absorbers factory, "Jugotrans", etc.) as well as in Prizren, Dragas, Podujevo, Lipljan, Strpci, Kosovska Mitrovica, Kosovo Polje (with the assistance of KFOR), Djakovica (with the assistance of KFOR).
- By forced and illegal taking over of public enterprises and institutions over 20,000 employed Serbs, Montenegrins, Roma, Muslims, Goranci, Turks and other non-Albanians were sacked and left with no means to support themselves.

(15) Armed and artillery attacks on villages: Slovinj, Maticane, Orahovac, Konjuh, Berivojce, Gornja Brnjica, the villages around Kosovska Kamenica: Grncar, Magila, Ajvalija, all the villages of the Istok-Klina region, Gorazdevac near Pec, Svinjare, Klokot, Novo Brdo, Zjum, Donja and Gornja Gusterica, Susica, Badavac, Bresje, Vrbovac, Vitina, Cernice, (municipality of Gnjilane), Dobrusa, Veliko Ropotovo (municipality of Kosovska Kamenica), Partes, Podgradje, Malisevo and Pasjane (municipality of Gnjilane), Ljestar, Budriga, Dobrotin (municipality of Lipljan), Grncar, Binac, Ranilug, Silovo, Odovce, Rajanovce, Bosce, Caglavica, Paravolo, Lebane, Gojbulja, Suvo Grlo and Banje (municipality of Srbica), in the following villages in the area covered by the municipality of Gora: Brodosavce, Belobrod, Kukavce - frequent attacks against the houses of Goranci, Muslims and Albanians who are loyal to the FR of Yugoslavia, and in Grabovac (municipality of Zvecan).

All Serb houses in the villages of Donji Livoc, Kmetova Vrbica, Lipovica and Cernice in the municipality of Gnjilane, and in the villages of Vaganes, Gradjenik and Orahovica in the municipality of Kosovska

Kamenica, all forming part of Kosovsko Pomoravlje, were set on fire and destroyed by mortars or explosives.

All this runs counter to assertions by KFOR and UNMIK that the terrorist "KLA" has been disarmed.

(16) Sieges of towns and villages: Gadnje, Orahovac and Velika Hoca, Koretin, villages around Gnjilane, Priluzje, Gornja Srbica, Gorazdevac.

About 3,500 Serb residents of Orahovac have been living for more than eight months since the deployment of KFOR and UNMIK in the first concentration camp in Europe after the Second World War, besieged by the terrorist "KLA".

(17) Armed threats against villages and terror committed on a daily basis against non-Albanian population: Ugljari, Srpski Babus, Stimlje, Novo Selo, Bresje, Obilic, the area around Kosovo Polje, Milosevo (against which the armed attack was carried out), village of Zebnice (dramatic humanitarian situation), the majority of the mainly Catholic Croatian population who lived in the villages of Letinice, Vrnez, Vrnavo Kolo and Sasare have moved out, Drenovac (50 Serbs massacred), village of Cernice (a series of incidents in which US KFOR soldiers maltreated Serbs), Pozaranje, Gotovusa, Gatnje, Zubin Potok, Veliki Alas, Vrelo and Radevo, Plemetin and Slatina (municipality of Vucitrn), Crkolez (municipality of Istok), Ogose - municipality of Kosovska Kamenica (where almost all Roma families have been driven out), Banjska, Gojbulja and Miroce (municipality of Vucitrn), Brezanik (municipality of Pec).

(18) The looted Serb villages from which the residents were forced out: Muzicani, Slivovo, Orlovic, Dragas, the area around Kosovo Polje, Livadice, Mirovac, Sirinicka Zupa, Medrejovac, Grace, Zociste, Sofalija, Dragoljevac, Tomance, Koretin, Lestar, Donja Sipasnica, Miganovce, Laniste and Zmijarnik (municipality of Kosovska Kamenica).

(19) Serb settlements set on fire: Istok, Klina, Donja Lapastica, Obrandza, Velika Reka, Perane, Lause, the villages around Podujevo, Grace, Donja Dubica, Zociste, Orahovac, Naklo, Vitomirice, Belo Polje, Kojlovice, Alos-Toplicane, Krajiste, Rudnik, Donji Strmac, Goles (municipality of Lipljan), Orlovic (municipality of Pristina), Krpimej and Lausa (municipality of Podujevo), Muzicane (all Serbian houses burned down), Zaimovo, Denovac, Lesjane, Gornje and Donje Nerodimlje (all Serbian houses looted and then burned down), Sinaje (municipality of Istok), Balovac, Mali Talinovac, Ljubizda, Klobuka and Oraovica (municipality of Kosovska Kamenica), Zaskok and Novi Miros (municipality of Urosevac).

(20) Registered number of homes burned down: About 50,000 houses of Serbs, Roma, Muslims, Goranci and other non-Albanians were burned down in Kosovo and Metohija.

(21) Registered number of illegal entries of foreign citizens into the FR of Yugoslavia (Kosovo and Metohija) without the necessary papers (visas and registration of stay with the competent authorities): 781

Over 200,000 foreigners have illegally entered into the Province with the consent of UNMIK and KFOR. The Government of the FR of Yugoslavia has officially requested their expulsion on several occasions. These requests have not been met, although those persons are international terrorists, criminals, narco-mafia members, women and child traders, organizers of brothels and other forms of international crime.

(22) Registered number of stolen vehicles: over 12,000

As a result of open borders with Macedonia and Albania 250,000 vehicles were brought into Kosovo and Metohija without the payment of customs duties and most of these vehicles were stolen.

(23) Registered number of cases of violation of the ground security zone by KFOR: 302

REVIEW OF TERRORIST AND OTHER ACTS OF VIOLENCE AND OF CERTAIN VIOLATIONS OF SECURITY COUNCIL RESOLUTION 1244 (1999) IN THE PROVINCE OF KOSOVO AND METOHIJA SINCE THE DEPLOYMENT OF KFOR AND UNMIK IN THE PERIOD FROM 10 JUNE 1999 TO 30 MARCH 2000

Terrorism of Albanian separatists

Total number of terrorist attacks	4,564
- Serbs and Montenegrins	4,314
- Albanians	104
- members of other nationalities	146
A. Killed	936
- Serbs and Montenegrins	835
- Albanians	72
- members of other nationalities	29
B. Wounded	876
- Serbs and Montenegrins	824
- Albanians	20
- members of other nationalities	32

C. Kidnapped and missing	867
- Serbs and Montenegrins	824
- Albanians	20
- members of other nationalities	32

Fate of kidnapped and missing

1. Killed	81
2. Escaped	6
3. Unaccounted-for	744
4. Released	36

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Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 6 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour and pleasure of enclosing herewith,* a letter from H.E. Mr. Zivadin Jovanovic, the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to H.E. Mr. Robert R. Fowler, President of the United Nations Security Council for the month of April, concerning the brutal and terrorist-style arrest by SFOR troops of Momcilo Krajisnik, former Speaker of the Parliament of the Republika Srpska and member of the collective Presidency of Bosnia and Herzegovina.

I would like to ask you to have it issued as an official document of the Commission on Human Rights under agenda item 9.

(signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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* The annex is reproduced as received, in English only.

ANNEX

Belgrade, 5 April 2000

Esteemed Mr. President,

The Yugoslav government and public have condemned most strongly the perfidious and disgraceful arrest of Momcilo Krajisnik, one of the most prominent leaders of the Serbian people in Bosnia and Herzegovina, carried out in a most brutal way in the night of 3. April 2000 by SFOR at the orders of the North Atlantic Treaty Organization (NATO). This arrest, carried out in a terrorist manner and Gestapo-style by using explosives to break into the house, and by intimidating and tying up the children is just the most recent and drastic instance in the series of the criminal, immoral and politically motivated NATO acts under the guise of the Hague Tribunal, aimed at frightening and enslaving the Serbian people.

Momcilo Krajisnik was not only Speaker of the Parliament of Republika Srpska elected at a democratic election by the will of the people, the outcome of which was confirmed also by the Organization for Security and Cooperation in Europe (OSCE), but was also a member of the collective Presidency of Bosnia and Herzegovina and the highest representative of Republika Srpska at the negotiations in Dayton. This brazen criminal act is all the more absurd as Momcilo Krajisnik never held an executive office except that, after the Dayton-Paris Agreement, he was elected a member of the Presidency of Bosnia and Herzegovina.

This insolent act has confirmed what the Government of the FR of Yugoslavia has pointed out ever since the establishment of the Tribunal - that this ad hoc body, in outright contravention of the principle of international criminal and humanitarian law, is not an institution of law and justice but a political creation in the function of the commission of genocide against the Serbian people. It does not act according to law and international law but according to the diktat of the US Administration, the aim of which is to impose hegemony and thought monopoly.

If indeed the Tribunal acted on the basis of justice and law, it would have, first and foremost, called to account the leaders of NATO and those who are responsible for the genocide aggression against the FR of Yugoslavia, carried out by way of the most flagrant violation of the Charter of the United Nations, international law, national laws of the member-States would have long indicted those leaders who ordered and managed the aggression against the FR of Yugoslavia, who ordered a ruthless bombardment of a sovereign country and an entire people without a precedent in the history of civilisation, who ordered the killing of thousands of innocent people, one third of whom were children and over four fifths civilians, the killing of patients in hospitals, destruction of hundreds of schools, a huge number of hospitals, maternity wards, refugee camps, systems of heating and transmission of electric power, television and radio stations, refineries, roads, bridges etc.

H.E. Mr. Robert R. Fowler
President
Security Council
United Nations
New York

In the situation when genocide against the Serbian people and other non - Albanian population in the Serbian province of Kosovo and Metohija takes place before the eyes of the international public, the Tribunal has not taken a single step in order to try to put an end to that protracted crime. The absence of prosecution and arrest of persons responsible for the genocide against the Serbs in Croatia during operations "Flash" and "Storm", as well as in Bosnia and Herzegovina at the time of civil war, is deliberate encouragement to new crimes against Serbs since it demonstrates that they can be carried out with impunity. Even by the self-same criminals that acquired the criminal experience in Krajina and other parts of the former Yugoslavia.

World renowned legal experts have passed their assessment that the Tribunal is not based on the Charter of the United Nations since there exists no legal basis for establishing a judicial organ as an auxiliary body of the Security Council. All international courts are set up exclusively by agreement. That the Tribunal was set up for political goals, for manipulating the international public is most glaringly evident if the rules of procedure of the Tribunal and the Permanent International Criminal Court are compared, particularly with respect to the position of the Prosecutor. The rules applied by the Tribunal in its procedure do not exist in any modern legal system. No legal system recognizes the so-called "secret indictments". The prosecution policy pursued by the Prosecutor of the Tribunal shows that the Tribunal has been politically instrumentalized by the Administration of the United States and the countries of NATO. More than two thirds of the arrestees and indictees are Serbs, including the highest ranking political and military officials of Republika Srpska, who have been charged even with the most serious crimes and who alone are being arrested in a brutal way. The work of the Prosecutor and the Tribunal thus far has demonstrated in a clear way that the US creators of the Tribunal have sought to impose at all costs the impression of the responsibility of the Serbs for the civil war in the former Yugoslavia and to conceal in that way their own responsibility for atrocities. The Tribunal is a mechanism for fabricating a justification for the aggression against the Federal Republic of Yugoslavia and the genocide against the Serbian people.

The Tribunal shows no legal, political or moral responsibility for its work. This is reflected, inter alia, in the killing of Serbs during arrests (Simo Drljaca, Dragan Gakovic) and an inhumane attitude towards the arrestees (the tragic loss of life of Slavko Dokmanovic and Milan Kovacevic in the prison at The Hague).

The Federal Republic of Yugoslavia, as a party signatory and a guarantor of the Dayton-Paris Agreement, stresses that these activities of the Tribunal represent a drastic violation of the letter and substance of the Agreement, the Charter of the UN, the Universal Declaration of Human Rights and international law in general, whereby peace and security not only in Bosnia and Herzegovina, but also in the entire region, is brought into question. Proceeding from the afore-mentioned, the FR of Yugoslavia calls on the Security Council to abolish the Hague Tribunal without delay as a creation without a legal grounding. The records kept by that quasi-judicial institution should be forwarded to regular courts of the member-States of the United Nations for the purpose of being acted upon in accordance with their internal laws, each and every member-State without exception providing for severe punishment of war crimes.

Specifically, the FR of Yugoslavia requests that Momcilo Krajisnik and all other persons indicted and arrested without a legal grounding be released immediately.

Please accept, Mr. President, the assurances of my highest consideration,

Zivadin Jovanovic
(Signed)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 6 April 2000 from the Permanent Mission of the Sudan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of the Sudan to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to enclose herewith* a diskette containing the text of the response of the Government of the Sudan to the note by the secretariat contained in document E/CN.4/2000/36.

The Permanent Mission of the Sudan requests the esteemed secretariat to process and distribute the contents of the response as an official document of the fifty-sixth session of the Commission on Human Rights annexed to the note by the secretariat referred to above.

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* The annex is reproduced as received, in English only.

ANNEX

The Response of the Government of the Sudan to the Note prepared by the Secretariat on the Situation of Human Rights in the Sudan, contained in document E/CN.4/2000/36 dated March 2000

Geneva, 2nd April 2000

INTRODUCTION

1. The Government of the Sudan (GOS) has received the above mentioned note at a late stage, therefore, this response has been prepared without having much time to provide all the necessary detailed information.

2. The Government of the Sudan understands that the Note by the Secretariat was prepared because personal compelling reasons have made the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in the Sudan, Mr. Leonardo Franco, unable to finalize and present his report before the Commission. We pray to Almighty God that the family emergency of Mr. Franco would go well.

3. Having understood the circumstances which necessitated the preparation of the Note, we hope that the Government of the Sudan would be given the time agreed upon to respond to the edited report prior to issuing it as a document of the Commission.

I. VISIT TO THE COUNTRY

4. The GOS reaffirms its firm commitment to the respect, promotion and protection of human rights and fundamental freedoms. Also the GOS reiterates its commitment to full cooperation with the Special Rapporteur of the Commission on Human Rights, Mr. Leonardo Franco, and with all United Nations mechanisms working in the field of Human Rights. It is within this context of commitment, cooperation and transparency that the GOS has extended its invitation to the Special Rapporteur and other mandate holders to visit the country.

5. The GOS welcomes the acknowledgment of the Special Rapporteur of "the very good cooperation he received from the GOS throughout his visit", and the decisive support of the Government authorities in organizing it.

6. With respect to Para 6 of the note by the Secretariat about the prevention of the Special Rapporteur from flying from the city of Lockichoggio to the area controlled by SPLA, it is imperative to state the following :-

   (1) The GOS had not received any request for flight-clearance neither by the Special Rapporteur nor by OLS to take the Special Rapporteur from Lockichoggio to the areas controlled b y SPLA.
   (2) OLS flights to the area are given clearance on monthly bases to over hundred destinations in rebel held areas. The clearance for March 2000 delayed for technical reasons due to the complicated schedule submitted by OLS on 28th and agreed upon and approved late evening on March 1st 2000.
   (3) It was unfortunate that the Special Rapporteur couldn't fly to the area due to the above facts, however, had the GOS been informed of the intended visit it could have issued its clearance immediately.

II. POLITICAL AND SOCIAL CONTEXT IN WHICH THE MISSION TOOK PLACE

7. The GOS welcomes the observation of the Special Rapporteur that it undertook during the year, efforts to continue to improve relations with neighbouring countries as well as other members of the international community.

III. CONCLUSIONS AND RECOMMENDATIONS

8. The GOS welcomes the observation of the Special Rapporteur that he attaches very high importance to the stated will of the Government to bring early peace to the country and to promote the transition to democracy. And the GOS agrees fully with the Special Rapporteur that these two objectives are inextricably linked to the promotion and protection of human rights and fundamental freedoms.

9. Regarding the aerial bombardment, the GOS would like to make the following clarifications :

a) The collateral damage caused to the civilians was not intentional, since it is the stated policy of the Government to protect civilians. This reality is evidenced by the established facts that all civilians fleeing the conflict zone are taking refuge in the Government controlled areas despite the close proximity of neighbouring countries and rebel controlled areas.

b) The GOS is firmly committed to the respect of international humanitarian law, in particular the fourth Geneva Agreement.

c) The Note under consideration has observed that the rebels are using civilian premises for military purposes. And we recall that the resolution of the Commission on Human Rights of last year no. 1999/15 and the resolution of the UN General Assembly of December 1999 on the situation of human rights in the Sudan have reiterated the same concern.

d) The standing orders of the air force pilots are to disregard all bombing instructions if it becomes clear to the pilot that the targeted areas are civilian installations, or occupied by civilians, or if there are civilians in the area.

e) The Sudan air force doesn't have the advanced technology for aerial bombardment and therefore, unfortunate and unintended incidents do take place, on rare occasions, as was the case with Kaouda School on 8th February 2000. The GOS reiterates its deep sorrow for the incident and has already established an investigation committee to look into the circumstances of the incident and make the necessary recommendations.

f) The ICRC has been, for more than two years, conducting training for the Sudanese armed forces in humanitarian law. This endeavor has been noted and welcomed by the Special Rapporteur.

A. Constitution and Transition to Democracy

10. Moreover, the GOS welcomes the observation of the Special Rapporteur that : "during his visit to Khartoum the Special Rapporteur was pleased to observe signs of greater political dialogue and the enjoyment of a broader degree of the freedoms of expression, press and assembly". This observation evidences the fact that the commitment of the GOS to the respect and promotion of human rights has been reflected to actions on the ground.

11. Regarding the curtailment of rights of opposition students, we clarify that all measures taken against them were administrative and disciplinary measures taken by the university authorities. The Government authorities were not party to those measures. Nevertheless, the Minister of High Education has intervened and those measures were canceled.

12. The independence of the judiciary in the Sudan is guaranteed beyond any doubt, that explains why the Government has maintained the Judicial Authority Act of 1986 without any amendments when it has assumed power in 1989. Furthermore, that independence was confirmed in the 1998 Constitution and was also reinforced by the establishment of a new Constitutional Court.

13. The new Security Forces Act of 1999 has provided new strong guarantees, since the six months renewals of detention under the old law were reduced to one single month. In addition to that, all actions undertaken under the new law are made subject to judicial review. Since the international human rights standards for liberty and security of the person provided for in the International Covenant on Civil and Political Rights do not provide for a fixed time limit, we therefore, believe that the Security Forces Act of 1999 has gone in the right direction by reducing the days of detention by security officials and by subjecting their actions to judicial review. Nevertheless, we do not claim that the new law is an ideal law but, undoubtedly it is a substantial improvement of the old law.

14. We note that the Special Rapporteur has recognized that allegations of torture, arbitrary detention and other abuses have declined in number. That improvement is due to the concerted efforts of the Government, in particular the promulgation of the 1998 Constitution and the new laws. Moreover, the allegations of torture have always been taken seriously by the Government and judicial scrutiny has been conducted and some security officers have been convicted. Details of this have been reported in the Sudan periodic Report under the International Covenant on Civil and Political Rights.

B. Respect of Human Rights and International Humanitarian Law during the Conflict

15. To minimize the effects of the armed conflict in Southern Sudan, the GOS has, of late, signed in Geneva the TCHA Agreement under the auspices of the Technical Committee for Humanitarian Affairs. Also the GOS has signed the Ottawa land mines agreement, and has requested the Untied Nations to provide assistance for the removal of land mines. Moreover, the GOS has repeatedly declared comprehensive cease-fires without

any positive response on the part of the rebel movement. The GOS relentless pursuit for peace has been continuous since 1989, and as a result the Khartoum Peace Agreement of 1997 has been concluded with six out of eight rebel factions. And currently negotiations with the John Garang faction are going on under the IGAD auspices.

16. On the other hand, the GOS has honoured all its obligations under Operation Life Line Sudan which is an unprecedented agreement whereby the GOS has agreed for the delivery of relief to the rebel controlled areas. In the same connection, we refer to the cooperation extended by the GOS to the United Nations Inter-Agency Humanitarian Needs Assessment Mission to the Nuba Mountains in June and September 1999.

17. The relocation of population for the purposes of national projects is a normal practice all over the Sudan as is the case in all countries of the world. For example, the GOS is currently relocating population in Northern Sudan for the purposes of constructing Hamadab Dam. Therefore, relocation of population for oil industry operations, though not yet started, should be no exception and should not be attributed to any ethnic considerations. The part of the relocation referred to was due to the conflict over the leadership of the Nuer tribe by different factions. On the other hand the movement of the Baggaara tribes to that region in the last months of the year is an annual phenomenon which has been going on since time immemorial, and it takes place without any government intervention. These tribal movements are governed by traditional tribal rules and customs, and the GOS has no policy of favoring one tribe over the other tribes.

18. The Government of the Sudan, once again, confirms that the air strip of the petroleum companies has never been used for military operations. The air force operations are all conducted from Ribkona military Camp. And we recall in this connection that the rebels have declared time and again that all the facilities of the petroleum industry are military targets, and that explains the heavy Government military presence in the area since it is the duty of the Government to protect its national wealth.

19. The GOS welcomes the condemnation of the Special Rapporteur to the rebel practices in violation of human rights and humanitarian law such as the use of civilian installations for military purposes, recruitment of child soldiers, planting of mines and food diversion. Also the GOS associates itself with the serious concern he has expressed at the attempt by the rebels to politicize humanitarian aid by imposing restrictions on its delivery. Moreover, the GOS is dismayed by the facts reported by the Special Rapporteur that the rebels are behaving as an occupying army in Eastern Equatoria with the local Didinga population, in particular, the closure of 27 schools in the region.

20.0 The GOS notes with satisfaction that the Special Rapporteur was particularly encouraged to learn of the conclusion of the Agreement on the implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War Affected Civilian Population signed by the GOS and the concerned parties.

21. Also the GOS notes with satisfaction that the Special Rapporteur was pleased with the importance given by the GOS active participation in ICRC training courses on humanitarian law.

22. As regards the exploration of the petroleum resources, the GOS would like to clarify that the oil industry has contributed substantially towards the local development of those areas. A substantial part of those resources would also go, according to the wealth sharing provided for in the 1998 Constitution, for the development of the Southern States through a National Revenue Allocation Committee recently established for the rehabilitation of the South under the chairmanship of the First Vice-president.

C. The Creation of CEAWC

23. The establishment of the Committee for the Eradication of Abduction of Women and Children (CEAWC) by the GOS in March 1999 is a concrete indication of the political will of the GOS to deal with abductions, as has been rightly observed by the Special Rapporteur. And we are pleased to note that he has welcomed that initiative. It is within the context of CEAWC and with its good offices that there is currently on-going dialogue between the concerned tribes.

24. It is encouraging to observe that the Special Rapporteur was particularly impressed by the courage shown by government authorities in discharging a task which is indeed fundamental to help the victims and shows the firm willingness of the Government to tackle the issue.

25. In this connection, the GOS would like to clarify once again that abduction is neither a Government policy nor a war strategy, but a tribal practice which has been going on from time immemorial even among Southern tribes.

D. Peace Process and Human Rights

26. The GOS agrees with the Special Rapporteur that human rights are important in the peace process.

27. Also the GOS shares the belief of the Special Rapporteur in the great importance and value of a "people to people" approach to pave the way to peace and help to solve intertribal problems.

E. International Cooperation in the Field of Human Rights

28. The GOS agrees fully with the Special Rapporteur that it is useful to promote an agreement between the GOS and the Office of the High Commissioner for Human Rights. And we would like to report here that the hopes expressed by the Special Rapporteur to the effect that negotiations should continue and ways and means to cooperate be agreed upon rapidly have come true since the GOS has signed an agreement with the Office of the High Commissioner for Human Rights on 29th March 2000.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 7 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office in Geneva, addressed to the Chairman of the Commission on Human Rights

I am addressing you in regard to the statement given by the Deputy Minister for Foreign Affairs of Bulgaria, Mr. Marin Raykov, at the fifty-sixth session of the Commission on Human Rights.

Although it is not new that the Bulgarian Government is interfering in internal affairs of the Federal Republic of Yugoslavia, nevertheless, the statement by the Deputy Minister for Foreign Affairs of Bulgaria exceeds all bounds of tolerance. By the content of his statement, the Deputy Minister for Foreign Affairs of Bulgaria has contradicted declarations given by the Government of Bulgaria on an alleged wish for good neighbourly relations in the Balkans, that is between Bulgaria and Yugoslavia. The statement by Mr. Raykov is the most drastic example of interference in internal affairs of the Federal Republic of Yugoslavia and certainly does not contribute to further promotion of bilateral relations between Bulgaria and Yugoslavia.

The Federal Republic of Yugoslavia most strongly rejects the interference in its internal affairs on the part of any country and thereby rejects the statement of the Deputy Minister for Foreign Affairs of Bulgaria at the Commission.

It is highly unacceptable that the Deputy Minister for Foreign Affairs of Bulgaria has taken the liberty of teaching someone a lesson about democracy in general and in particular about internal relations in the Federal Republic of Yugoslavia. How can the Government of a country preach about democracy when it has been the accomplice in the barbaric and fascist

aggression of the North Atlantic alliance against the independent and sovereign Federal Republic of Yugoslavia? There is no doubt that this was a highly undemocratic act contrary to the Charter of the United Nations and international law. What is the democracy that the Bulgarian Government is calling for when it participated in the barbaric killing of innocent civilians in the Federal Republic of Yugoslavia? Should we conclude that the evils of the past of the Bulgarian Government and its aspirations from the period from 1941 to 1945 are resurfacing?

The statement of the Bulgarian representative at the Commission is an attempt by the Government of Bulgaria to associate itself with objectives of the North Atlantic Treaty Organization (NATO) aggressor against the Federal Republic of Yugoslavia, that is to say to condone new fascism through unparalleled subservience to the policy of arrogance, neo-colonialism and diktat by the administration of the United States. Such subservience is nothing new for the Bulgarian Government. It is just enough to recall the period from 1941 to 1945 and the period of the Inform bureau resolution in 1948.

It is also highly unacceptable that the Bulgarian Government gives itself the right to teach lessons to any country about rights of minorities when it is a well-known fact that Bulgaria has never recognized the existence of any minority on its territory. On the contrary, the well-known policy of the Bulgarian Government is not only that it does not recognize any minority rights, but that it also carries out the policy of assimilation, which is equal to genocide.

The statement by the Deputy Minister for Foreign Affairs of Bulgaria at the Commission on Human Rights represents a high level of hypocrisy and subservience of the Bulgarian Government in regard to the ongoing aggression by NATO, led by the administration of the United States, towards the sovereign and independent Federal Republic of Yugoslavia, contrary to the Charter of the United Nations and basic principles of international law, humanity and democracy.

I would appreciate very much if you would have this letter circulated as an official document of the Commission under agenda item 9.

(Signed) Branko BRANKOVIC

Ambassador
Chargé d'affaires a.i.

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Note by the secretariat

The Office of the High Commissioner for Human Rights (OHCHR), in reference to comments of the Cuban authorities contained in document E/CN.4/2000/131, wishes to place on record the following observations:

(a) OHCHR maintains scrupulous objectivity vis-a-vis all Member States, including Cuba.

(b) OHCHR considers that the staff member named in the Cuban note acted in good faith and with integrity.

(c) The report of the Special Rapporteur contains many portions favourable to the Cuban authorities - which bears out the objectivity of the Special Rapporteur and her staff.

(d) The acquisition of internal correspondence and its use in the manner employed in the Cuban comments raises issues of principle and propriety that call for further examination. We have sought legal advice on this from the Office of Legal Affairs which has been shared with the Permanent Mission of Cuba.

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Agenda item 12

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Letter dated 10 April 2000 from the Permanent Mission of the Dominican Republic to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights at its fifty-sixth session

I have the honour to transmit to you the report on the integration of the human rights of women and the gender perspective in the Dominican Republic.*

I would be grateful if this report could be circulated as an official document of the fifty-sixth session of the Commission on Human Rights.

(Signed) Rhadys Abreu de Polanco
Ambassador

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* The annex is reproduced in the language of submission and English only.

Annex

All human rights instruments contain as their basic premise, stemming from the Universal Declaration of Human Rights, the equality of human beings (men and women), from which it is clear that the interpretation and implementation of treaties must conform to this principle of equality.

At the Fourth World Conference on Women (Beijing 1995), the conclusion was reached that it does not matter how good or how valid international agreements and conventions on women may be if there are no national mechanisms for implementing policies and action plans to carry them out.

The Dominican Republic has initiated people-centred policies and work on gender equality as an end in itself and not just as a means of eliminating poverty.

Of the 12 areas established in Beijing, the Dominican Republic can show, inter alia, the following results:

- The World Conference on Human Rights stressed in particular the importance of working towards the elimination of violence against women. With this in view, the Dominican Republic, which is a signatory to the Convention of Belém do Pará, passed Act No. 24-97 introducing substantive changes to the Penal Code and the Code of Criminal Procedure and new legal classifications, including gender violence, domestic or intra-family violence, incest, sexual aggression and rape.

- Specialized services have been established to help women survivors of violence by using various strategies, including "advocacy" (negotiation, promotion and political pressure).

- In February 1997 the Department of Non-Violence was established, attached to the Secretariat of State for Women. This Department give psychological support to needy women, girls and adolescents whose rights have been violated, and particularly when they are victims of violence. It receives support from international agencies like UNICEF, UNDP, UNFPA and OAS. The staff of the Department of Non-Violence are at present coordinating the Women's Support Network against Violence.

- In November 1998, President Leonel Fernández established the National Commission to Prevent and Combat Intra-family Violence, composed of governmental bodies and the Coordinating Body for Women's NGOs.

- A consciousness-raising campaign was conducted by what is now the Secretariat of State for Women, in the form of a world-wide mailing of 600,000 letters about a crime that jolted the national conscience - the murder of three Dominican ladies (Patria, Minerva and María Teresa Mirabal) along with their driver, Rufino de la Cruz, by henchmen of the tyrannical regime in November 1960. The deaths of the three most distinguished heroines of this century led to the proclamation

by the United Nations of 25 November as International Day for the Elimination of Violence against Women in honour of the Mirabal sisters. Many, many thanks to those who made this honour possible.

Another area that has been developed is that of women and poverty, based on the idea that promoting the development of rural women means promoting the development of the Dominican Republic, where peasants account for 40 per cent of the population, the right of women to own and inherit land is recognized. Act No. 55-97 was adopted in this regard, with a programme designed to contribute to reducing poverty indicators among rural women, raise their incomes and boost their output and participation. One of the programme's major achievements is to provide rural women with access to credit without having to be married, as was the case previously; at the present time, 73 per cent of loans in the sector are granted to women.

As regards the area of women in power and decision-making, Act No. 12-2000, adopted on 30 March 2000, stipulates that 33 per cent of elective posts in all parties must be for women. At the present time there are 24 women deputies, women account for 37 per cent of the judiciary, and there are 409 women in local government, 2 women senators and 7 female Secretaries of State.

In the area of institutional mechanisms for the advancement of women in the Dominican Republic, the position in respect of the Members of the United Nations is that the International Research and Training Institute for the Advancement of Women (INSTRAW) should remain in the country, bearing in mind that it is vital to maintain this centre vis-à-vis the Beijing Platform for Action, in that the training factor is extremely important in the advancement of women. We welcome the restructuring being carried out to make this body more efficient and allow access to data, especially by developing women.

On 11 August 1999, by Act No. 66-99 the Dominican Republic became the fourth country in Latin America to establish a Secretariat of State for Women. I quote the words of Mrs. Mary Robinson, High Commissioner for Human Rights, on 8 March 2000: "International Women's Day: since its inception there has been a tension as to whether it should be a day of celebration and reflection, or a day for protest, a day for action. I think it should be all of these things. We need to reflect upon the progress that has been made in claiming rights for women, the sacrifices that have been made to force that progress, the continued need to protest at inequality and the denial of rights. It should be a day of action to build on existing strategies and to develop new ones. And, not least, it should be a day of celebration of what women working together are capable of achieving."

The Dominican Republic has been working along with governmental and non-governmental organizations and this was why, when we too celebrated International Women's Day on 8 March this year, the President of the Republic awarded the Medal of Merit 2000 to 13 eminent women in the fields of education, music, painting, theatre, literature, health, law, peasant life, etc.

As regards the Beijing +Five review in the year 2000, Dominican women will be present at the meeting to be held in June with a whole set of achievements.

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Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 10 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* a letter addressed by H.E. Mrs. Bratislava Morina, the Federal Minister for Refugees, Displaced Persons and Humanitarian Aid of the Federal Republic of Yugoslavia to H.E. Mrs. Mary Robinson, United Nations High Commissioner for Human Rights.

I would like to ask you to have it circulated as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(Signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

* The annex is reproduced as received, in English only.

Annex

Dear Mrs. Robinson,

As you hold a high-ranking and responsible office within the UN system in the field of human rights, I have decided to write you in order to bring to your attention the grave humanitarian situation in FR Yugoslavia. I believe you are aware that FR Yugoslavia is a country that is providing for the needs of the largest number of refugees and displaced persons in Europe. Despite the grave economic situation brought about by the NATO aggression, unilateral sanctions, restrictions, pressures and politicization of humanitarian aid, FR Yugoslavia has for as many as nine years been providing care to 700,000 refugees from Bosnia-Herzegovina and the Republic of Croatia.

The humanitarian situation has worsened even further with the influx of more than 350,000 Serb and non-Albanian expellees from Kosovo and Metohija as a result of ten months of daily brutal and massive violations of the human rights of Serbs and other non-Albanians by Albanian terrorists and separatists. While the competent authorities of FR Yugoslavia have taken measures to ensure respect for all human rights that these persons are entitled to as citizens of FR Yugoslavia, their future needs will prove even more difficult to meet unless the international community extends substantial humanitarian aid and development assistance.

As for the disastrous situation in Kosovo and Metohija and the perpetuation of the systematic campaign of ethnic cleansing and terror against non-Albanians, the greatest responsibility for it is borne by not only the actual perpetrators - Albanian terrorists of the so-called KLA transformed into the " Kosovo Protection Corps" - but even more so by the UN Interim Mission in Kosovo and Metohija headed by B.Kouchner. UNMIK has done nothing to put Albanian terrorists under control. It has done nothing to consistently implement the mandate it was given under Security Council resolution 1244 - to protect full personal and property security and basic human rights for all citizens of Kosovo and Metohija as well as to preserve the multi-ethnic, multi-confessional and multi-cultural nature of this Province.

If the international community truly wants to preserve a multi-ethnic Kosovo and Metohija, it is high time it took effective steps towards creating conditions for the return of the expelled non-Albanian population.

Regardless of the fact that the troops in Kosovo and Metohija operate under the auspices of the World Organization that you yourself are a part of, I believe it would be useful to hear in public your views and fair assessments of this situation, all the more so as the 56th session of the Commission on Human Rights is under way. You and the Commission member countries shoulder huge and permanent responsibility for every aspect of human rights violations worldwide, no matter who has committed them.

Mrs. Mary Robinson
UN High Commissioner for Human Rights
Geneva

I wish to remind you that my Government has on several occasions communicated to the United Nations and to your personally, exact, fair and exhaustive data on the most cruel and diverse forms of human rights violations in Kosovo and Metohija. Last year and earlier this year, we sent to your Geneva Office, i.e. to a number of special rapporteurs ant thematic issues experts, as well as to the Working Groups of the Commission on Human Rights, several letters calling on the addressees to review various cases of violations of human rights and fundamental freedoms of the still remaining non-Albanians in Kosovo and Metohija. Regrettably, we have so far not registered any response by those rapporteurs, experts of Working Groups.

Since KFOR and UNMIK were deployed, more than 350,000 Serbs, Montenegrins, Roma and other non-Albanians have been expelled from Kosovo and Metohija. The most insidious methods of pressures have been used along with threats, blackmails, intimidation, violent usurpation, plundering and burning of property, killings, rapes and abductions. The scope of terror to which non-Albanians in K&M have been subjected is illustrated by the fact that in the period from 10 June 1999 to 30 March 2000 4.564 terrorist attacks were carried out, 867 persons were kidnapped, 936 were killed and 876 injured. The largest part of the Province, including almost all major towns, has been totally ethnically cleansed of non-Albanians. Their homes and apartments have been violently occupied by ethnic Albanians including 250,000 citizens of Albania, who had illegally entered the province by crossing the unprotected borders with Albania and Macedonia.

In the most recent history of the World Organization there have not been any cases similar to the mass violations of the human and civil rights of Serbs and other non-Albanians in K&M or any cases involving such wide-ranging racial, religious, national and linguistic discrimination in the presence of a UN Mission. By adopting a tolerant and protective attitude to genocide perpetrated by Albanian terrorists, UNMIK has trampled upon the basic principles of the UN Charter and all major human rights conventions while pursuing and unexampled policy of double standards.

For this reason, the Yugoslav general public and the Yugoslav Government believe that the principled and energetic resistance of the UN, i.e. those that are most qualified in the matters of human rights protection, against the protagonists of the policy of genocide in K&M, not only is of vital importance to halting human tragedy in K&M but will ensure that the very fundaments and principles underlying the United Nations are preserved.

I rightfully hope and expect from you, Madam High Commissioner, to do everything in your power to stop the pogrom against Serbs and other non-Albanians in K&M. The tragic status of human rights calls for urgent and efficient action by all competent international factor and should be spearheaded by the UN Office of the High Commissioner for Human Rights.

Please accept the assurances of my high esteem.

(signed) Bratislava Morina,
FEDERAL MINISTER

Belgrade, 6th April 2000